



United States
Department of
Agriculture

Forest Service



Forest Plan Amendment to Remove the Layng Creek Municipal Watershed Management Plan

Final Decision Memo

Umpqua National Forest

Cottage Grove Ranger District

March 2010



The Layng Creek Water Intake

INTRODUCTION AND LOCATION

The Layng Creek Municipal Watershed Management Plan was established in 1990. This management plan developed forest management objectives and guidelines that helped maintain good water quality. The watershed management plan was incorporated into the Umpqua National Forest Land and Resources Management Plan (LRMP) as Appendix G (USDA Umpqua NF, 1990).

The municipal water intake is located in Layng Creek approximately 4 miles upstream from the confluence with Brice Creek (T21S, R01E, Sec. 31). Brice and Layng Creeks flow together to form the Row River, which is a fifth field watershed in the Coast Fork Willamette Sub-basin (Figure 1).



Figure 1. Vicinity Map

PURPOSE AND NEED, PROPOSED ACTION

The City of Cottage Grove has altered their municipal water program by eliminating the water intake at Layng Creek. This change in management left approximately 110 residents and businesses without water services. The majority of these residents have since created the Row River Valley Water District. Currently, the City of Cottage Grove is in the process of transferring their water rights and their facility at the Layng Creek municipal water intake to the Row River Valley Water District. This change in management prompted the District Ranger of the Cottage Grove Ranger District to re-evaluate the 1990 Layng Creek Municipal Watershed Management Plan. The analysis determined that the watershed management plan is outdated and no longer needed. Current land management plans and practices are providing the needed resource protection.

This proposed action amends the Umpqua National Forest Land and Resource Management Plan (LRMP) by removing Appendix G (The Layng Creek Municipal Watershed Management Plan) and all references to it¹. The proposed action ensures land management activities would provide resource protection that results in maintaining and restoring high water quality for all streams in the Layng Creek watershed.

DECISION AND RATIONALE

The Layng Creek Municipal Watershed Management Plan was written during a time when land management activities were more aggressive and may not have included adequate resource protection. Clearcut harvesting of large mature trees and road construction, along with minimal stream protection was adversely impacting water quality. The municipal watershed management plan provided the needed guidelines to help ensure good water quality for the City of Cottage Grove.

In 1994, the Umpqua National Forest LRMP (USDA Umpqua NF, 1990) was amended by the Northwest Forest Plan (USDA Forest Service and USDI Bureau of Land Management, 1994). A major component of the plan is the Aquatic Conservation Strategy (ACS). The ACS lists nine objectives which emphasize the need to maintain and restore all aspects of riparian and aquatic habitats. Land management activities within the Umpqua National Forest must meet or not prevent attainment of all nine ACS objectives. The standards and guidelines and protection measures needed to meet these objectives provide a much higher level of resource protection than what was established through the Layng Creek Municipal Watershed Management Plan. The amended plan also provides protection to unstable or potentially unstable areas such as earthflow terrain, and provides guidance for slump/earthflow areas (LRMP Standard and Guideline No. 14, p IV-71). These are areas specifically identified in the Layng Creek Municipal Watershed Management Plan.

In addition to existing standards and guidelines, land management activities within the Umpqua National Forest implement General Water Quality Best Management Practices (BMP's), which maintain and protect water quality (USDA Forest Service, 1988). These practices are required for all ground disturbing activities, and specifically for timber management and road-related work. The primary emphases for BMP's are erosion control measures and protection of water quality.

Along with the Northwest Forest Plan, came a change in land management activities. The Layng Creek Municipal Watershed Management Plan had projected a continuation of clearcutting,

¹ This may include any references within the LRMP, where even though the municipal watershed or Appendix G is not mentioned, Layng Creek is treated uniquely.

harvesting large mature and old growth trees, and increasing road construction. Instead the Ranger District now focuses on a less aggressive forest management program of thinning smaller trees and reducing road density by inactivating and decommissioning roads. The Layng Creek plan limited the acres of ground disturbance permitted each year. Those limits are being removed, because practices permitted under the LRMP as amended create less disturbance than what was originally projected.

Monitoring to determine effectiveness of standards and guidelines indicated that improvement in watershed conditions would be difficult to measure within the first 10 years. However slight improvements were observed. These improvements were partly attributed to the reduction in clearcut harvest in riparian areas, and growth of existing trees into larger size classes (Rapp, 2008). Rapp (2008) also found that reduced road densities helped improve watershed conditions.

The Layng Creek Municipal Watershed Management Plan currently restricts camping and swimming above the municipal intake. This restriction was originally implemented when water treatment facilities were more primitive. Now treatment facilities are much more sophisticated. The Row River Valley Water District will be installing a state of the art membrane filtration system which will remove bacteria and other human caused contaminants.

National forests are known to supply some of the highest quality surface waters in the country, yielding some of the best drinking water (USDA Forest Service, 2009). It's estimated that 80% of Oregon's population (2.8 million people) gets their drinking water from national forest lands (USDA Forest Service, 2000). About 94% of the Umpqua National Forest is considered municipal water supply watersheds (USDA Forest Service, 2000). At the same time, recreation use on national forests tends to focus around water sources. Swimming and camping are common activities throughout the Umpqua and most other National Forest. The USDA Forest Service (2000) determined that there is scientific evidence that watersheds can be effectively managed for high-quality water while providing for other resource outputs and byproducts. The need to further restrict camping and swimming within the Layng Creek watershed has become increasingly harder to justify and is no longer necessary. Additionally, the area immediately above where the intake is located is not conducive to swimming or recreational activities. The intake area will be in compliance with the Oregon Department of Human Services (2009) Oregon Administrative Rule OAR333-061-0050(3)(d)(D). This rule states "provisions shall be made to restrict swimming and boating in the vicinity of the intake." The area is currently, and will remain, gated and signed to ensure compliance of this provision.

The analysis file for this amendment contains a detailed look at all management guidelines from the Layng Creek Municipal Watershed Management Plan. This document provided a crosswalk that displayed how each guideline for land management activities was being met by other existing plans. These existing plans included the Umpqua LRMP as amended, General Water Quality Best Management Practices, and other management direction from outside agencies such as Oregon Department of Environmental Quality. In some cases the practices prescribed in the Layng Creek management plan no longer applied to current land management activities. Where applicable, objectives were being met and often exceeded resource protection.

Because the current land management plans provide the needed resource protection, the Layng Creek Municipal Watershed Management Plan is outdated and no longer effective. Upon signing the final decision memo, the standards and guidelines associated with Appendix G (Layng Creek Municipal Watershed Management Plan) of the Umpqua National Forest Land and Resource Management Plan would be removed; the current exception of no camping and no swimming restriction above the intake would also be removed with this same amendment, but would not be implemented until the new water filtration system is in place and functioning. The expected date for this to occur is April of 2010.

FINDINGS AS REQUIRED BY LAW, POLICY AND REGULATION

Finding of Consistency with Applicable Forest Service Management Direction and the National Forest Management Act

I, Clifford J. Dils, the Forest Supervisor for the Umpqua National Forest, am the Responsible Official for this amendment. Based on my review of the interdisciplinary analysis for this amendment, I find that the amendment is consistent with the standards and guidelines of the Umpqua National Forest Land and Resource Management Plan as amended, and is therefore consistent with the National Forest Management Act. This finding includes all of the following determinations documented in the specialists' analysis for this amendment:

- This amendment would not prevent attainment of the goals and objectives of the Aquatic Conservation Strategy.

Therefore, I find that the Forest Plan Amendment to Remove the Layng Creek Municipal Watershed Management Plan is consistent with all applicable Forest Service management direction.

Finding of Consistency with State Historic Preservation Office Policies

This Forest Plan Amendment does not include any ground disturbing activities; therefore it is consistent with the National Historic Preservation Act.

Finding of No Effect to Endangered, Threatened or Sensitive Species and No Adverse Effect to Species Covered Under the Fisheries Conservation and Management Act

There is no federally designated Essential Fish Habitat, federally listed endangered or threatened aquatic species, or State sensitive fish species within Layng Creek. The District Fisheries Biologist has determined that this amendment would have no effect on any threatened species or their critical habitat, no effect on Essential Fish Habitat, and no impact on any sensitive species. This amendment complies with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

The District Wildlife Biologist has determined that this amendment would have no effect on threatened or endangered species or their critical habitat, and no impact on Management Indicator Species. This amendment would not impact individuals or their habitat, and would not contribute towards a Federal listing or cause a loss of viability to the population or species on the R6 Regional Forester's sensitive species list. No other species of concern are affected or impacted by this amendment.

The District Botanist has determined that this amendment would have no effect on threatened or endangered species or their critical habitat. This amendment does not impact individuals or their habitat, and would not contribute towards a Federal listing or cause a loss of viability to the population or species on the R6 Regional Forester's sensitive species list. No other species of concern are affected or impacted by this amendment.

Based on the fisheries, wildlife, and botanical analysis, I find that the Forest Plan Amendment to Remove the Layng Creek Municipal Watershed Management Plan has no effect on any endangered, threatened or sensitive species, or other species of concern on the Forest.

Finding of the Absence of Adverse Effects to Extraordinary Circumstances

Scoping to determine the presence or absence of potential effects on extraordinary circumstances occurred in the January 2009 Umpqua National Forest Schedule of Proposed Actions; no requests

for information or statements of interest were received. The District Ranger of the Cottage Grove Ranger District, Deborah Schmidt has met extensively with public works officials from the City of Cottage Grove, and with the newly formed Row River Valley Water District. She has engaged these groups over the past several years regarding the Layng Creek watershed, when the City of Cottage Grove first announced they would be removing their facilities. The Forest Service and these groups have worked together to ensure that any ground-disturbing activities within the watershed would continue to involve the water district and that all measures would be taken to ensure continued protection of water quality.

Based on my review of the interdisciplinary analysis and the input I have received from the public through the District Rangers interactions, I find that this amendment does not adversely affect any of the extraordinary circumstances listed in 1909.15, 30.3(2). Specifically, I find that this amendment does not adversely affect: (a) endangered or threatened species or their critical habitats, or any Forest Service sensitive species, since no ground disturbance is proposed by this amendment; (b) floodplains, wetlands or municipal watersheds, as protection measures would still continue within the watershed to ensure that drinking water was adequately protected; (c) congressionally designated areas such as wilderness or National Recreation Areas, as none would be impacted by the proposed amendment; (d) inventoried roadless areas, as none would be impacted by the proposed amendment; (e) Research Natural Areas, as none would be impacted by the proposed amendment; (f) Native American religious or cultural sites, or archaeological or historic properties and sites, as none of these features or areas would be impacted by the proposed amendment.

Finding of Consistency with All Applicable Federal Laws and Regulations

Based on my review of the actions associated with this amendment and all applicable specialists' input, I find that the amendment is consistent with the Clean Air Act, Clean Water Act, Endangered Species Act, National Forest Management Act, and the National Historic Preservation Act. Therefore, I find that the Forest Plan Amendment to Remove the Layng Creek Municipal Watershed Management Plan is consistent with applicable Federal laws and regulations.

Finding of Exclusion from Further National Environmental Policy Act Analysis

Based on my review of (1) the removal of Appendix G from the Forest Plan as proposed by this amendment; (2) the lack of environmental consequences (because there would be no ground disturbance) documented above; (3) the consistency of this amendment with applicable laws, regulations, and management direction; (4) the non-jeopardy to endangered or threatened species or heritage resources; and (5) the absence of adverse effects to extraordinary circumstances; I find that this amendment is not significant in either context or intensity (40 CFR 1508.27) and that no extraordinary circumstances would be adversely affected with this amendment (FSH 1909.15). I also find that this amendment would produce no adverse environmental effects, individually or cumulatively, on the physical, biological, or social components of the human environment.

Finally, I find that this amendment is not an action that approves a project or activity, nor does it command anyone to refrain from undertaking projects or activities, nor does it grant, withhold or modify contracts, permits or other formal legal instruments. Therefore, I find that the Forest Plan Amendment to Remove the Layng Creek Municipal Watershed Management Plan is categorically excluded from analysis in an Environmental Assessment or Environmental Impact Statement (EIS) (40 CFR 1508.4 and FSH 1909.15, Chapter 30.3, Part 1) and that the category of exclusion is category sixteen as identified in Forest Service Handbook 1909.15, Chapter 31.2(16) and as codified at 36 CFR 220.6(e)(16).

Public Review Period and Objection Process

Amendments to Forest Plans that are categorically excluded from analysis in an EIS and that are documented in a decision memo are subject to notice and comment under 36 CFR 219.8², which states that "the responsible official must complete appropriate environmental analysis and public involvement in accordance with Forest Service NEPA procedures". This draft decision memo was circulated for public review and comment for 30 days, which ran from November 4, 2009 until December 3, 2009.

One comment was received during the 30-day public comment process. Doug Heiken, representing Oregon Wild, commented about the use of the CE for amending the plan, and stated that he believed there were more important amendments to undertake. The District Ranger spoke with Mr. Heiken and helped alleviate some of his concerns.

A legal notice stating that the proposed amendment is subject to a 30-day objection process was published in the Roseburg News-Review on February 2, 2010. No objections were received.

Amendment Implementation

This decision shall be implemented in accordance with Forest Service regulations contained in 36 CFR, Part 219.32(d). I, the Forest Supervisor, am now approving this amendment, as no objections were received. Removal of the Layng Creek Municipal Watershed Management Plan from the Umpqua National Forest Land and Resource Management Plan is effective immediately upon signature of this document.

Contact Person

For additional information concerning this amendment, contact Laurie Bernstein; phone number (541) 767-5041; email address lbernstein@fs.fed.us. For information on the public review period or objection process, contact Debbie Anderson, Forest Environmental Coordinator, (541)-957-3466, or at danderson01@fs.fed.us.

Signature and Date

/s/ Clifford J. Dils

March 22, 2010

Clifford J. Dils
Forest Supervisor

Date Signed

² Federal Register Volume 65, No. 218, November 9, 2000, 67571.